

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	)	
<b>Bernd Buchberger, et al.</b>	)	
	)	
Serial No.: <b>10/597,530</b>	)	Art Unit: <b>1793</b>
	)	
Confirm. No.: <b>2358</b>	)	
	)	Patent Examiner:
Filed: <b>July 28, 2006</b>	)	<b>Karl E. Group</b>
	)	
For: <b>Fired Refractory Ceramic</b>	)	
<b>Product And a Batch for the</b>	)	
<b>Production Thereof</b>	)	

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the election/restriction requirement in the Action dated September 8, 2008, Applicants provisionally elect with traverse Group 1 (claims 1-3).

Applicants respectfully submit that the Office has not established that the election/restriction requirement is proper. For example, under MPEP 1893.03(d) to support a restriction requirement the Office must “explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.)” In support of the restriction, the Action appears to only

describe the alleged special technical features in one group, rather than in each group.

Withdrawal of the election/restriction requirement is respectfully requested.

### **Conclusion**

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,

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